

EXHIBIT “E”

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3

4 IN RE PHARMACEUTICAL INDUSTRY

5 AVERAGE WHOLESALE PRICE

6 LITIGATION

7 _____ MDL No. 1456

8 THIS DOCUMENT RELATES CIVIL ACTION: 01-CV-12257-PBS

9 TO ALL CLASS ACTIONS. Judge Patti B. Saris

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12 DEPOSITION OF ROBERT A. HOWE

13 TAKEN ON BEHALF OF DEFENDANTS

14 NOVEMBER 16, 2005

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16 BE IT REMEMBERED THAT, pursuant to the Federal Rules

17 of Civil Procedure, the deposition of ROBERT A. HOWE

18 was taken before Laurie A. Volker, Registered

19 Professional Reporter, on November 16, 2005,

20 commencing at the hour of 10:21 a.m., the proceedings

21 being reported at 66 East Sixth Avenue, Eugene,

22 Oregon.

1 list. It's called -- and forgive my pronunciation --

2 [REDACTED]. What is the -- you see that?

3 A. Yes, I do.

4 Q. What is the basis -- and I'll just call it

5 [REDACTED] for short.

6 What is the basis -- what is your

7 understanding of the allegation that you took

8 [REDACTED] based on and were charged for that drug

9 based on AWP?

10 A. I do not recognize the drug.

11 Q. You don't? So, again, you don't remember

12 the first time you took this particular drug?

13 A. No, I do not.

14 Q. Do you know what it's for?

15 A. I do not.

16 Q. Do you know who prescribed it for you?

17 A. I do not.

18 Q. Do you know whether you received it in a

19 hospital versus a doctor's office?

20 A. I do not.

21 Q. Do you know who manufacturers it?

22 A. I do not.

1 Q. Do you know whether it's a pill?

2 A. I don't know.

3 Q. You don't know whether it's an injectable
4 or anything?

5 A. No, I don't.

6 Q. Okay. This is another drug that is
7 manufactured by a number of companies, and I'll just
8 ask you quickly as to each.

9 Do you know whether the drug that you took
10 was manufactured by Abbott?

11 A. I do not.

12 Q. Do you know whether it was manufactured by
13 Baxter?

14 A. I do not.

15 Q. Do you know whether it was manufactured by
16 B. Braun?

17 A. I do not.

18 Q. Do you know whether it was manufactured by
19 Fujisawa?

20 A. I do not.

21 Q. Do you know whether it was manufactured by
22 Watson Pharmaceuticals?

1 A. I do not.

2 Q. Okay. I'll turn to the next drug on your
3 list. It's called [REDACTED].

4 A. Yes.

5 Q. What is your understanding of the
6 allegation that you were prescribed and charged for
7 [REDACTED] based on the AWP?

8 A. I believe that's [REDACTED]

9 Q. Okay. And what is your understanding of
10 how you paid for [REDACTED] based on AWP?

11 A. I don't have any understanding as -- that
12 what I was charged was based on AWP.

13 Q. And when was the first time that you took
14 Zolodex?

15 A. My best recollection would be in 2004.

16 Q. And who -- what is [REDACTED] for?

17 A. For [REDACTED]. It's a [REDACTED]
18 [REDACTED].

19 Q. Is this what you were previously taking
20 [REDACTED] for?

21 A. Correct.

22 Q. And why did you switch from [REDACTED] to

1 respect to whenever you took [REDACTED]

2 [REDACTED] Did you ever pay 20 percent of that
3 charge?

4 A. I don't know.

5 Q. Did you ever pay any amount for the balance
6 owed for when you took [REDACTED]?

7 A. I don't know.

8 Q. Did you ever pay for any amount of the
9 balance owed on [REDACTED]?

10 A. I don't know.

11 Q. What about, do you know whether you ever
12 paid, based on balance owed, for [REDACTED]
13 which is [REDACTED]?

14 A. Yes. I'm confused as to your questions
15 because I don't know how to respond to it.

16 Q. I don't intend to confuse you. I really
17 don't. Let me see if I can explain it.

18 As I understand the way we talked about
19 earlier this morning about how your insurance
20 works --

21 A. Yes.

22 Q. -- you have supplemental insurance through